

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LUCIANO TONELLI,

Plaintiff,

v.

SARGENT AUTRY, *et al.*,

Defendants.

CASE NO. C06-698-TSZ-JPD

ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL DISCOVERY

Plaintiff, a prisoner proceeding *pro se* in this civil rights action, has filed a motion seeking an Order compelling defendants to provide information regarding the whereabouts of a former correctional officer, Brandon Siivone, whom plaintiff has named as a defendant. (Dkt. #38). Two attempts by the Clerk to serve Mr. Siivone by mail with a copy of the complaint in this matter have been futile. (Dkt. #19, #33). Defendants have filed a response to the motion to compel. (Dkt. #41). Plaintiff has not filed a reply. Having considered the motion and response, and the balance of the record, the court does hereby find and ORDER:

(1) Plaintiff's motion to compel (Dkt. #38) is DENIED. First, it does not appear that plaintiff has served an actual discovery request on defendants seeking the whereabouts of Mr. Siivone. (Dkt. 41 at 2). Second, it does not appear that plaintiff sought to confer with defendants prior to filing the instant motion, as required under Federal Rule of Civil Procedure 26 and Local Rule CR 37. (*Id.*) Third, even if plaintiff's motion were not deficient in these respects, it appears that defendants have already proved the court with the most recent address that they have for Mr. Siivone, and the Clerk's attempt at serving him by mail has failed. (Dkt. #33).

